

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ANN L. BRESLIN,

Plaintiff,

V.

STATE OF DELAWARE, DEPARTMENT)
OF NATURAL RESOURCES AND)
ENVIRONMENTAL CONTROL,)

Defendant.

C.A. No. 05-290 (GMS)

JURY TRIAL DEMANDED

RULE 26 DISCLOSURES

The State of Delaware Department of Natural Resources & Environmental Control, by and through their attorney, Valerie S. Csizmadia, Deputy Attorney General, pursuant to Rule 26 provides as follows.

1. Upon information and belief at this stage of the proceeding, the following individuals may have discoverable information that the State may use to support its claims or defenses and identifies the subjects of the information.

A. Merrilyn Ramsey, Human Resources Manager I, Department of Natural Resources & Environmental Control, 89 Kings Highway, Dover, DE 19901, (302) 739-9901. Ms. Ramsey has knowledge or is expected to have knowledge of DNREC's Human Resource Office's function and structure; the State of Delaware Merit Rules; DNREC's processes, procedures and practices it utilizes to implement the Merit Rules and make advanced hiring decisions; the issue of whether there have been any critical shortage of applicants for the Environmental Scientist III ("ES3") positions at

DNREC; qualifications of Ms. Breslin and other employees in the same employment classification, and other matters within her knowledge and expertise.

B. Susan Lee, Human Resources Specialist III, Department of Natural Resources & Environmental Control, 89 Kings Highway, Dover, DE 19901, (302) 739-9901. Ms. Lee has knowledge or is expected to have knowledge of the Merit Rules; DNREC's processes, procedures and practices it utilizes to implement the Merit Rules including those relating to advanced hiring decisions; any Departmental complaints of pay discrimination based on sexual discrimination; factual knowledge concerning whether there was, or has been, a critical shortage of applicants for the ES3 positions at DNREC; a survey of pay rates between all persons employed in the ES3 positions in the Division of Air & Waste Management at the time Ms. Breslin asked DNREC to use the leveling up process to raise her salary to that of Mr. Robertson; Ms. Breslin's employment history and the progress of Ms. Breslin's salary during her tenure with DNREC; the limited maintenance review of the ES3 positions that resulted in salary increases (promotions) for the ES3 positions and other matters within her knowledge and expertise.

C. Steven Karlsen, Chief of Administration, Department of Natural Resources & Environmental Control, 89 Kings Highway, Dover, DE 19901, (302) 739-9000. Mr. Karlsen has knowledge or is expected to have knowledge of the structure and function of the DNREC Human Resources Office and financial issues at the Department; Merit Rules; DNREC's processes, procedures and practices it utilizes to implement the Merit Rules; DNREC's implementation of the Merit Rules with respect to the process of "leveling up" and other matters within his knowledge and expertise.

D. Christina Wertz, Environmental Program Manager; Department of Natural Resources & Environmental Control, 391 Lukens Drive, New Castle, DE 19720, (302) 395-2600. Ms. Wertz has or is expected to have knowledge of Plaintiff's performance; Plaintiff's job classifications and the nature and duties expected of the different classifications of environmental scientists; Plaintiff's salary complaint and the institution of her grievance with the State; Merit Rules; DNREC personnel processes and other matters within her knowledge and/or expertise.

E. Paul Will, Environmental Program Manager; Department of Natural Resources & Environmental Control, 391 Lukens Drive, New Castle, DE 19720, (302) 395-2600. Mr. Will has or is expected to have knowledge of Plaintiff's performance; Plaintiff's job classifications and the nature and duties expected of the different classifications of environmental scientists; Plaintiff's salary complaint and the institution of her grievance with the State; Merit Rules; DNREC personnel processes and other matters within his knowledge and/or expertise.

F. John Blevins, U.S. EPA Region IV, 6EN, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202-2733, (214) 665-2266. Mr. Blevins is the former Division Director of the Division of Air & Waste Management. He has or is expected to have knowledge of Plaintiff's salary complaint; the Department's investigation into the alleged facts underlying it and the resolution of that complaint both informally and through the grievance process; Merit Rules; DNREC personnel processes and other matters within his knowledge and/or expertise.

G. Alex Rittberg, Environmental Program Manager, Department of Natural Resources & Environmental Control, 391 Lukens Drive, New Castle, DE 19720,

(302) 395-2600. Mr. Rittberg has or is expected to have knowledge of Plaintiff's performance; Plaintiff's job classifications; the nature and duties expected of the different classifications of environmental scientists; Merit Rules; DNREC personnel processes and other matters within his knowledge and/or expertise.

H. Jamie Rutherford, Environmental Program, Division of Soil & Water, 89 Kings Highway, Dover, DE 19901, (302) 739-9921. Ms. Rutherford has or is expected to have knowledge or information relative to Keith Robertson's initial advanced hiring request and the processing of it; advanced hiring process; Merit Rules; nature and duties expected of classifications of environmental scientists and other matters within her knowledge and/or expertise.

I. Karl Kalbacher, formerly Environmental Program Manager, 87 Reads Way, New Castle, DE 19720, (302) 395-5959. Mr. Kalbacher has or is expected to have knowledge of Plaintiff's performance; Plaintiff's job classifications; the nature and duties expected of the different classifications of environmental scientists; the advanced hiring request submitted for Plaintiff; Merit Rules; DNREC personnel processes and other matters within his knowledge and/or expertise.

J. Sharon Tazelaar, formerly Personnel Officer II with DNREC. Ms. Tazelaar is not expected to currently have any discoverable information related to support any claims or defenses. Ms. Tazelaar is not listed because she currently has discoverable information that the disclosing party may use to support its claims or defenses, but because she may formerly have had discoverable information. Ms. Tazelaar was employed by the State of Delaware, most recently in the position of Personnel Officer II, in the Human Resources Office of the DNREC. During the time period in which Plaintiff

submitted her request for an advanced hire, Ms. Tazelaar was the advanced hire specialist who reviewed and disapproved Plaintiff's request. Some time thereafter, Ms. Tazelaar suffered a debilitating brain aneurism and was approved for a disability pension in 1999. Due to her disability it is anticipated that Ms. Tazelaar is unavailable and unable to testify due to her disability and lack of current knowledge of any discoverable information. The State does intent to introduce documents authored by her in the context of the denial of the advanced hire request. The State does not desire to cause her distress because of her disability. Consequently, the State requests that should it be necessary for Plaintiff to contact Ms. Tazelaar, that the State be given prior notice of such contact.

2. Upon information and belief at this stage of the proceeding, the following describes the category and location of data and documents and their location that the Defendant may use to support its claims or defenses.

A. Official personnel files related to Plaintiff Breslin and other specifically named DNREC employees or former employees in the Environmental Scientist 3 Classification at the DNREC Human Resource Office in Dover, DE.

B. Personal management file of John Blevins related to Plaintiff in Dover, DE.

C. Documents containing summary and backup information related to the salaries of DNREC employees or former employees in the Environmental Scientist 3 Classification at the DNREC Human Resource Office in Dover, DE.

D. Administrative file related to Plaintiff Breslin at DNREC's office in New Castle, DE.

E. Personal management file of Christina Wirtz related to Plaintiff at DNREC's office in New Castle, DE.

F. Personal management file of Paul Will related to Plaintiff at DNREC's office in New Castle, DE.

G. State of Delaware Merit Rules applicable to the time frames relevant to Plaintiff's Complaint in the possession of the State Personnel Office and/or electronic copies available on the internet and State of Delaware 29 Del. C. Chapter 59 Merit System of Personnel Administration;

3. The State has not computed damages as it has not filed a claim for damages in this matter.

4. The State does not believe there is any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Valerie S. Csizmadia /S/
Valerie S. Csizmadia (DE Bar ID #3937)
Deputy Attorney General
102 W. Water Street, 3rd Floor
Dover, DE 19904
Telephone: (302) 739-4636
E-mail: Valerie.Csizmadia@state.de.us
*Attorney for the State of Delaware Department of
Natural Resources & Environmental Control*

Date: January 13, 2006

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of January, 2006, a copy of the foregoing Rule 26 Disclosures was sent through electronic service and by U.S. mail, first class postage prepaid, to the following:

Jeffrey K. Martin, Esquire (#2407)
Lori A. Brewington, Esquire (#4522)
1509 Gilpin Avenue
Wilmington, DE 19806
(302) 777-4680

Valerie S. Csizmadia /S/
Valerie S. Csizmadia (DE Bar ID #3937)
Deputy Attorney General
102 W. Water Street, 3rd Floor
Dover, DE 19904
Telephone: (302) 739-4636
E-mail: Valerie.Csizmadia@state.de.us
*Attorney for the State of Delaware Department of
Natural Resources & Environmental Control*